

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

TYLER JAMES LARSEN,

Plaintiff,

v.

DAVIS COUNTY, et al.,

Defendants.

ORDER

Case No. 1:13-cv-00068-CW

Judge Clark Waddoups

This matter is before the court on the “Individual Davis County Defendants” Troy Rawlings, Melvin Miles, Bret Milburn, John Petroff, Louenda Downs, William McGuire, and David Cole’s Motion to Dismiss Official Capacity Claims, (Dkt. No. 97). Also before the court are Defendants’ Motion to Remand and for Sanctions, (Dkt. No. 98), and Motion to Dismiss Conspiracy Claim, (Dkt. No. 101). A hearing on the motions was held before the Honorable Clark Waddoups on November 12, 2015. Tyler Larsen appeared *pro se* and Jesse Trentadue appeared on behalf of Defendants. After due consideration of the parties’ filings and oral arguments, and otherwise being fully advised,

IT IS HEREBY ORDERED, for the reasons stated on the record, that:

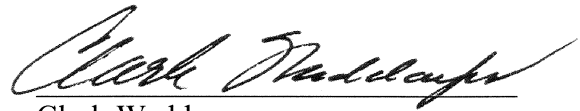
1. The Motion to Dismiss Official Capacity Claims, (Dkt. No. 97), is GRANTED.

Larsen’s claims against Troy Rawlings, Melvin Miles, Bret Milburn, John Petroff, Louenda Downs, William McGuire, and David Cole in their official capacities are dismissed.

2. The Motion to Remand and for Sanctions, (Dkt. No. 98), is GRANTED IN PART as to Larsen's Notice of Removal, (Dkt. No. 95), the consolidated cases 130905190 and 130908820 shall be remanded to state court, but DENIED IN PART on the request for sanctions.
3. The Motion to Dismiss Conspiracy Claim, (Dkt. No. 101), is GRANTED. Count II in Larsen's Amended Complaint, (Dkt. No. 94), is dismissed for failure to state a claim upon which relief can be granted.

DATED this 13th day of November, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Clark Waddoups", written over a horizontal line.

Clark Waddoups
United States District Court Judge

Exhibit 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

HAYLEE CHEEK, et al.,

Plaintiffs,

v.

SCOTT GARRETT, et al.,

Defendants.

ORDER

Case No. 2:10-cv-508-RJS

Judge Robert J. Shelby

Plaintiffs Haylee Cheek, Michael Clark, and Travis Braun bring a number of claims against government officials and entities for alleged constitutional violations. Plaintiffs filed their initial Complaint on May 28, 2010. (Dkt. 2.) On September 30, 2011, Ms. Cheek and Mr. Clark filed a First Amended Complaint. (Dkt. 110.) After considering the pending motions and briefing, the court dismisses with prejudice the individual defendants named in Ms. Cheek and Mr. Clark's First Amended Complaint and dismisses without prejudice Defendants' Motions for Summary Judgment.

I. Motion to Dismiss

Ms. Cheek and Mr. Clark's First Amended Complaint names a slew of government officials and employees from Iron County, Cedar City, and the State of Utah. The face of the Complaint states that each individual defendant was "sued solely in [his or her] official capacity."¹

¹ First Amended Complaint ¶¶ 10-22, 25.

An official-capacity suit is another way of “pleading an action against an entity of which an officer is an agent.”² What’s more, “a person sued in his official capacity has no stake, as an individual, in the outcome of litigation.”³ Accordingly, the claims against all individual defendants in the First Amended Complaint are dismissed.

II. Motions for Summary Judgment

Both the Cedar City and Iron County Defendants have submitted Motions for Summary Judgment. (Dkt. Nos. 163, 165.) Rather than opposing the substantive arguments, Plaintiffs filed a Motion to Strike Defendants’ Motions for Summary Judgment. (Dkt. 176.) As a result, the briefing on the Motions for Summary Judgment is incomplete. The court concludes that both Motions for Summary Judgment fail to conform with DUCivR 56-1(b). In particular, the movants fail to include a section entitled “Statement of Elements and Undisputed Material Facts” in conformance with DUCivR 56-1(b)(2). The court dismisses the motions without prejudice to refile in conformity with the court’s local rules.

CONCLUSION

After carefully considering the pending motions, the court


1. DISMISSES WITH PREJUDICE the individual defendants named in the First Amended Complaint;
2. GRANTS the Motion to Dismiss the Individual Iron County Defendants named in the First Amended Complaint (Dkt. 162);
3. DISMISSES WITHOUT PREJUDICE the Iron County and Cedar City Defendants’ Motions for Summary Judgment (Dkt. Nos. 163, 165);
4. DENIES as moot Plaintiffs’ Motion to Strike (Dkt. 176); and

² *Kentucky v. Graham*, 473 U.S. 159, 165 (1985); *see also Johnson v. Bd. Of Cnty. Com’rs*, 85 F.3d 489, 493-94 (10th Cir. 1996).

³ *Johnson*, 85 F.3d at 493.

5. Sets a status conference in place of the motion hearing on December 4, 2014 at 3:30 p.m. in Room 7.300. The briefing schedule for any renewed motions will be set at the status conference.

BY THE COURT:



ROBERT J. SHELBY
United States District Judge

Exhibit 3

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FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

SEP 11 2014

BY D. MARK JONES, CLERK
DEPUTY CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

HONORABLE CLAIR M. POULSON, in his
official capacity as Judge of the Duchesne
County Justice Court, and DEREK DALTON,

Plaintiffs,

v.

UTE INDIAN TRIBE OF THE UINTAH and
OURAY RESERVATION; et. al.,

Defendants.

**ORDER DISMISSING
OFFICIAL CAPACITY CLAIMS**

DEAN REED,

Counterclaim and
Third-Party Plaintiff,

v.

DEREK DALTON, in his individual and official
capacity; GRANT H. CHARLES, in his
individual and official capacity as a Deputy
Attorney of the Duchesne County Attorney's
Office; DUCHESNE COUNTY, UTAH; and
John/Jane Does 1-5, in their individual and
official capacities,

Counterclaim and
Third-Party Defendants.

Civil No. 2:12-cv-00497-BSJ

Judge: Bruce S. Jenkins

On May 16, 2014 Derek Dalton's *Motion to Dismiss* (Doc. 183) came on for hearing before the Court. Dalton was represented by Jesse C. Trentadue. Tyler Allred appeared for Duchesne County, Utah. Jeffrey S. Rasmussen and J. Preston Stieff appeared on behalf of Dean Reed.

Reed has sued Dalton for allege civil rights violations in both his individual and officials capacities. An official capacity suit is the same as a suit against the entity of which the officer is an agent. When sued in his official capacity, Dalton represents the entity that employed him, Duchesne County, Utah, which is also named in this action. When government officials are sued in their official capacity and the governmental entity itself is a party defendant, the law requires dismissal of the officials.

IT IS HEREBY ORDERED that Dalton's *Motion to Dismiss* (Doc. 183) is granted with respect to claims asserted against him by Reed in Dalton's official capacity and those claims are therefore dismissed with prejudice.

DATED this ^{17th} ~~16th~~ day of ^{Sept.} ~~August~~, 2014.

BY THE COURT:


Bruce S. Jenkins
United States District Court Judge